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7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2008-319

11 **SUSAN MARIE LAWLER**
a.k.a. SUSAN THERESA LAWLER
12 a.k.a. SUSAN LAWLER EDWARDS
6 Indigo Drive, Apt. 103
13 Petaluma, California 94954

OAH No.

A C C U S A T I O N

14 Registered Nurse License No. 336153

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about September 30, 1981, the Board of Registered Nursing issued
23 Registered Nurse License Number 336153 to Susan Marie Lawler, a.k.a. Susan Theresa Lawler,
24 a.k.a. Susan Lawler Edwards (Respondent). The Registered Nurse License was in full force and
25 effect at all times relevant to the charges brought herein and will expire on October 31, 2009,
26 unless renewed.

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1 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
2 or administer to another, any controlled substance as defined in Division 10 (commencing with
3 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
4 defined in Section 4022.

5 “(b) Use any controlled substance as defined in Division 10 (commencing with
6 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
7 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
8 injurious to himself or herself, any other person, or the public or to the extent that such use
9 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
10 license.

11 ...

12 “(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
13 entries in any hospital, patient, or other record pertaining to the substances described in
14 subdivision (a) of this section.

15 ...

16 8. Section 490 of the Code states:

17 “A board may suspend or revoke a license on the ground that the licensee has
18 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
19 duties of the business or profession for which the license was issued. A conviction within the
20 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
21 contendere. Any action which a board is permitted to take following the establishment of a
22 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
23 been affirmed on appeal, or when an order granting probation is made suspending the imposition
24 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
25 Penal Code.”

26 9. Section 4060 of the Code states, in pertinent part, that no person shall
27 possess any controlled substance, except that furnished to a person upon the prescription of a
28 physician, dentist, podiatrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7 or

1 furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
2 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to
3 Section 3502.1., or nautropathic doctor pursuant to Section 3640.5.¹

4 10. California Code of Regulations, title 16, section 1444, states in pertinent
5 part:

6 "A conviction or act shall be considered to be substantially related to the
7 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
8 present or potential unfitness of a registered nurse to practice in a manner consistent with the
9 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the
10 following:

11

12 "(c) Theft, dishonesty, fraud, or deceit.

13

14 11. Section 125.3 of the Code provides, in pertinent part, that the Board may
15 request the administrative law judge to direct a licentiate found to have committed a violation or
16 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
17 and enforcement of the case.

18 12. **DRUGS**

19 "Hydrocodone" is the generic name for Vicodin, a compound consisting of 5 mg.
20 hydrocodone bitartrate, a Schedule II controlled substance, as defined in Health and Safety Code
21 section 11055(b)(1)(J), and 500mg. acetaminophen per tablet. Vicodin is used for the relief of
22 moderate to severe pain.

23 **FIRST CAUSE FOR DISCIPLINE**

24 (Unprofessional Conduct - Criminal Conviction)

25 13. Respondent is subject to disciplinary action under Business and

26 _____
27 1. In 2005, Nautropathic doctors were added to the list of medical professionals authorized
28 to prescribe controlled substances under Business and Professions Code section 4060. This
amendment became effective on October 4, 2005.

1 Professions Code sections 490 and 2761(f) for unprofessional conduct in that respondent was
2 convicted of Petty Theft/Shoplifting, a crime, as defined by section 1444 of Title 16 of the
3 California Code of Regulations, that is substantially related to the qualifications, functions or
4 duties of a registered nurse. The circumstances are as follows:

5 a. On or about April 11, 2005 in a criminal proceeding entitled People of the
6 State of California v. Susan Marie Lawler in the Superior Court of California for the County of
7 Sonoma, Case No. SCR 457322, the respondent was convicted by a plea of nolo contendere for
8 violating Penal Code section 484(a), Petty theft, a misdemeanor.

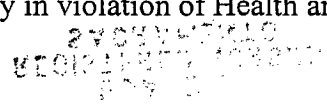
9 b. On or about December 26, 2004, Respondent was arrested for violating
10 Penal Code section 484(a) (Petty Theft), a misdemeanor.

11 c. On or about February 22, 2005, the criminal proceedings were suspended
12 and the respondent was referred to Project Intercept, a four month diversion program.

13 SECOND CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct - Obtain/Possess Controlled Substances)

15 14. Respondent is subject to disciplinary action under Business and
16 Professions Code section 2761 for unprofessional conduct, as defined by Business and
17 Professions Code section 2762(a), in that respondent obtained or possessed Vicodin, a Schedule
18 III controlled substance, without defined by section 1444 of Title 16 of the California Code of
19 Regulations, which is substantially related to the qualifications, functions and duties of a
20 registered nurse. The circumstances are as follows:

21 a. From December 7, 2003 through April 9, 2004, in that while on duty as a
22 registered nurse at Marin General Hospital in San Rafael, California, respondent obtained or
23 possessed Hydrocodone (Vicodin), a schedule III controlled substance, by fraud, deceit,
24 misrepresentation, subterfuge, or concealment of a material fact by diverting the drug from the
25 hospital's supply in violation of Health and Safety Code section 11173(a). The circumstances are
26 as follows: 

27 b. From December 7, 2003 through April 9, 2004, respondent possessed
28 Vicodin, a Schedule III controlled substance, without a valid prescription from a physician,

dentist, or podiatrist in violation of Business and Professions Code section 4060.

THIRD CAUSE FOR DISCIPLINE

(Falsify, or Make Grossly Incorrect Inconsistent or
Unintelligible Entries in Patient/Hospital Records)

15. Respondent is subject to disciplinary action under Business and Professions Code section 2761 for unprofessional conduct, as defined by Business and Professions Code section 2762(e), in that from December 2003 to April 2004, while on duty as a registered nurse at Marin General Hospital in San Rafael, California, respondent falsified, made grossly incorrect, grossly inconsistent or unintelligible entries in patient/hospital records, as follows:

Patient #90024001

a. On or about December 7, 2003, at approximately 1956 hours, respondent withdrew 5 mg of Vicodin (2 tabs) from the Pyxis machine for Patient 90024001 when there was no physician's order for vicodin. Respondent failed to chart the withdrawal of vicodin in the Medication Administration Record (MAR) and the Nurses Notes.

b. On or about December 8, 2003, at approximately 0134 hours, respondent withdrew 5 mg of Vicodin (2 tabs) from the Pyxis machine for Patient 90024001 when there was no physician's order for vicodin. Respondent failed to chart the withdrawal of vicodin in the Medication Administration Record (MAR) and the Nurses Notes.

Patient #900411364

c. On or about April 2, 2004, at approximately 1924 hours, respondent withdrew 5 mg of Vicodin (2 tabs) from the Pyxis machine for Patient 900411364 when there was no physician's order for vicodin. Respondent failed to chart the withdrawal of vicodin in the Medication Administration Record (MAR) and the Nurses Notes.

Patient #900148552

d. On or about April 2, 2004, at approximately 1920 hours, respondent withdrew 5 mg of Vicodin (2 tabs) from the Pyxis machine for Patient 900148552 when there was no physician's order for vicodin. Respondent failed to chart the withdrawal of vicodin in the

1 Medication Administration Record (MAR) and the Nurses Notes.

2 Patient #900148552

3 e. On or about April 3, 2004, at approximately 0524 hours, respondent
4 withdrew 5 mg of Vicodin (2 tabs) from the Pyxis machine for Patient 900148552 when there
5 was no physician's order for vicodin. Respondent failed to chart the withdrawal of vicodin in the
6 Medication Administration Record (MAR) and the Nurses Notes.

7 Patient #900148552

8 f. On or about April 3, 2004, at approximately 0559 hours, respondent
9 withdrew 5 mg of Vicodin (2 tabs) from the Pyxis machine for Patient 900148552 when there
10 was no physician's order for vicodin. Respondent failed to chart the withdrawal of vicodin in the
11 Medication Administration Record (MAR) and the Nurses Notes.

12 Patient #900148552

13 g. On or about April 3, 2004, at approximately 1556 hours, respondent
14 withdrew 5 mg of Vicodin (2 tabs) from the Pyxis machine for Patient 900148552 when there
15 was no physician's order for vicodin. Respondent failed to chart the withdrawal of vicodin in the
16 Medication Administration Record (MAR) and the Nurses Notes.

17 FOURTH CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct - Use of Alcohol/Controlled Substances)

19 16. Respondent is subject to disciplinary action under Business and
20 Professions Code section 2761 for unprofessional conduct, as defined by Business and
21 Professions Code 2762(b), in that respondent used alcohol or drugs to an extent or in a manner
22 dangerous or injurious to herself or any other person, or the public or to the extent that such use
23 impairs her ability to conduct with safety to the public the practice authorized by her license. The
24 circumstances are as follows:

25 a. On or about June 29, 2004, Respondent entered the Board's diversion
26 program.

27 b. On or about January 22, 2005, Respondent tested positive for alcohol.

28 c. On or about February 22, 2005, Respondent was terminated from the

1 Board's diversion program as a public safety threat.

2 PRAYER

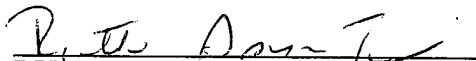
3 WHEREFORE, Complainant requests that a hearing be held on the matters herein
4 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

5 1. Revoking or suspending Registered Nurse License Number 336153 issued
6 to Susan Marie Lawler.

7 2. Ordering Susan Marie Lawler to pay the Board of Registered Nursing the
8 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
9 Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.

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14 DATED: 5/16/08

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16 
17 RUTH ANN TERRY, M.P.H., R.N.
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant

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